

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

KATHERINE E. MELO, in Her Personal  
Capacity and in Her Capacity as Personal  
Representative to the Estate of Julian  
F. Gildersleeve,

Plaintiff,

v.

THE STATE OF OREGON,  
and STEVEN R. FLETCHER, M.D.,

Defendants.

Case No. 6:15-cv-02177-MC

ORDER

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MCSHANE, Judge:

Based on the issues presented in Plaintiff's Motion for Reconsideration, ECF No. 17, the court VACATES its dismissal order in part as to Plaintiff's Sixth Claim for negligent infliction of emotional distress (NIED) against Defendant Steven R. Fletcher, M.D.

The Court finds that Plaintiff's Sixth Claim for NIED does not arise out of the nucleus of operative facts common to the claims over which this Court may properly exercise jurisdiction, and the Court declines to exercise supplemental jurisdiction over that claim. 28 U.S.C. § 1367.  
IT IS SO ORDERED.

Dated this 11 day of February, 2016.

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Michael McShane  
United States District Judge